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January 26, 2021

Hon. Christine M. Gravelle, U.S.B.J.
United States Bankruptcy Court
402 East State Street
Trenton, NJ 08608

Re: In the Matter of Capuano
Chapter 13 Case #20-23878-CMG
Response to Trustee's Objection to Plan

Dear Judge Gravelle:

Please accept this amended letter in response to the trustee's objection to confirmation of the debtor's plan in the above matter.

With respect to the additional documents the trustee requested for the first time in his objection, same were previously and immediately provided through his portal.

As to the trustee's incredulous objection respecting the debtors' expenses, it is difficult to imagine that one could characterize food and phone costs as "unnecessary or excessive" when the debtor has two sons aged 11 and 14, and the amounts are within the national standards for his household size.

I do not understand the trustee's objection that "22C does not account for the second job." The form accurately reflects the debtor's income in the six month period prior to filing. As a result of COVID, his additional income was extremely limited; in fact, it was the precipitating cause of the bankruptcy filing.

As to the alleged "improper use of exemption ... Debtor exceeded D5 exemption..", that is also not accurate. The debtor reduced his claimed homestead exemption in order to increase the "wildcard" exemption.

As to the trustee's objection to the amount of the debtor's child support deduction of \$320 per

month [“order states \$14/week”], that is also unfounded. The last sentence of Paragraph 34 of the Dual Judgment of Divorce provides that “...Child Support shall be \$74.00 per week.”

For the foregoing reasons, the trustee’s objection to the plan should be overruled and the proposed plan should be confirmed.

Very truly yours,

/s/ Warren Brumel, Esq.

WARREN BRUMEL

WB:ms

cc: Mr. A. Capuano

Albert Russo, Trustee